

# **EXHIBIT B**

Page 1

1                   MICHAEL J. STONNINGTON, M.D.  
2                   UNITED STATES DISTRICT COURT  
3                   DISTRICT OF MINNESOTA

4       In re Bair Hugger Forced-Air Warming  
5                   Products liability Litigation

6                   MDL NO. 15-2666 (JNE/FLN)

7       This Document Relates To:  
8       All Actions

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VIDEOTAPED DEPOSITION OF  
MICHAEL J. STONNINGTON, M.D.

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APPEARANCES NOTED HEREIN

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17       TAKEN AT INSTANCE OF:  3M COMPANY AND  
ARIZANT HEALTHCARE INC.

18

DATE: JULY 21, 2017

19

PLACE: PAGE, MANNINO, PERESICH & McDERMOTT  
759 HOWARD AVENUE  
BILOXI, MISSISSIPPI

20

TIME: 8:59 a.m.

21

22

JOB NO. 124788

23

REPORTED BY: CONNIE CHASTAIN, RMR  
CSR No. 1025

24

25       VIDEOTAPED BY: MARCEL LANOUX

<p style="text-align: center;">Page 6</p> <p>1           MICHAEL J. STONNINGTON, M.D. 2       the Plaintiffs. 3           THE VIDEOGRAPHER: The court reporter 4       will now swear in the witness. 5           MICHAEL STONNINGTON, M.D., 6       having first been duly sworn, was 7       examined and testified as follows: 8           EXAMINATION 9       BY MS. LEWIS: 10          Q. Good morning, Doctor. Is it Stonnington or 11       Stonnington? 12          A. Stonnington, yes, ma'am. 13          Q. My name is Deborah Lewis and we introduced 14       ourselves to each other this morning; correct? 15          A. Yes, ma'am. 16          Q. You understand that you are here as an 17       expert witness who has been asked to offer opinions 18       in this MDL case; correct? 19          A. Yes, ma'am. 20          Q. This is not your first deposition; am I 21       correct? 22          A. It is not my first. 23          Q. You understand a little bit about this 24       process, meaning you understand I am going to ask 25       you some questions for which I will want you to</p>	<p style="text-align: center;">Page 7</p> <p>1           MICHAEL J. STONNINGTON, M.D. 2       answer those questions, and our court reporter, 3       Connie, is taking down your testimony; correct? 4          A. Yes, ma'am. 5          Q. You understand that you are under oath and 6       sworn to be truthful; correct? 7          A. Yes, ma'am. 8          Q. You understand that your testimony today is 9       subject to the penalties of perjury, the same here 10       as if you were in a courtroom; correct? 11          A. Yes, ma'am. 12          Q. If I ask you a question and you don't 13       understand my question, will you let me know that? 14          A. Definitely. 15          Q. If you need to take a break, will you let 16       me know that, as well? 17          A. I will. 18          Q. Will you make sure that you let me finish 19       my question before you give your answer? 20          A. Yes, ma'am. 21          Q. And will you remember to verbally provide 22       answers rather than uh-uh or uh-huh? 23          A. Yes, ma'am. 24          MR. GORDON: Funny how many people 25       answer that "uh-huh".</p>
<p style="text-align: center;">Page 8</p> <p>1           MICHAEL J. STONNINGTON, M.D. 2       MS. LEWIS: 3          Q. I put in front of you what's marked as 4       Exhibit Number 1, which is the amended notice for 5       your deposition this morning. Attached to Exhibit 1 6       is Exhibit A towards the back of that. If you'll 7       turn towards the back of that document. 8          A. I see it. 9          Q. Have you reviewed Exhibit A? 10       A. Yes, ma'am. 11          Q. I want to go through Exhibit A to see what 12       documents you brought this morning that are 13       responsive to Exhibit A. All right? 14       A. Yes, ma'am. 15          Q. Number 1 asks for all documents that you 16       reviewed in anticipation for your deposition this 17       morning. I have two notebooks here and a few other 18       documents that Mr. Gordon provided this morning. 19          Have you brought all the documents that you 20       reviewed in anticipation for your deposition this 21       morning? 22       A. Yes, ma'am. 23          Q. Are Volume 1 and Volume 2 documents that 24       you reviewed in anticipation for your 25       deposition?</p>	<p style="text-align: center;">Page 9</p> <p>1           MICHAEL J. STONNINGTON, M.D. 2          A. Yes, ma'am. 3          Q. In the Volume 1 notebook that's here is an 4       index that lists 89 documents. Did you review all 5       89 documents in preparation for your deposition this 6       morning? 7          MR. GORDON: Object to the form. You 8       asked anticipation before in preparations. 9          A. I tried to assemble a list that ranged from 10       a cursory review to a very hard review. So if I 11       looked at the abstract, I looked at a few sentences, 12       it's in there. 13       MS. LEWIS: 14          Q. Mr. Gordon also provided what I understand 15       to be some documents where you made notes on those 16       documents. 17       A. Yes, ma'am. 18          Q. Do you believe that the documents on which 19       you've made notes are part of the documents that are 20       in Volume 1 and Volume 2 of the notebooks? You can 21       take a look if you want to see. 22       A. Well, I -- 23          MR. GORDON: I'll represent that I put 24       the notebooks together and, as I told you, 25       those are part of the compilation.</p>

<p style="text-align: right;">Page 166</p> <p>1           MICHAEL J. STONNINGTON, M.D.      2       A. I believe that there are scientists that      3       believe the bubbles are a good way of looking at air      4       flow.      5       Q. That's not what I'm asking about      6       scientists, I'm asking you. Do you agree or      7       disagree with this sentence?      8       MR. GORDON: And he has answered the      9       question the best of his ability.      10      Objection, argumentative.      11      A. I'm not sure that's an accurate statement.      12      MS. LEWIS:      13      Q. The next sentence says, finally, we believe      14     it is important and notable that no studies      15     performed by independent investigators have been      16     published that confirm the findings of the study by      17     McGovern, et al.      18     Did I read that right?      19     A. Yes, ma'am, you read it right. I'm just      20     reading it myself.      21     Q. Are you aware of another independent --      22     another study performed by an independent      23     investigator that has confirmed the findings of      24     McGovern?      25     A. Independent, so you're stating that --</p>	<p style="text-align: right;">Page 167</p> <p>1           MICHAEL J. STONNINGTON, M.D.      2       Q. No conflict of interest?      3       A. No conflict of interest.      4       Q. Uh-huh.      5       A. I'm not aware of another study.      6       Q. Let's go to the next page?      7       A. But I will say that Augustine's article did      8       interestingly come up with very close results, which      9       is interesting.      10      Q. And he's got a conflict of interest,      11      doesn't he?      12      A. Right, but again, he's a tree in a forest      13      and it's interesting that his percentage of      14      decreased infection rates without the Bair Hugger      15      was very similar and that would be hard to make up.      16      MS. LEWIS: Objection, nonresponsive.      17      MS. LEWIS:      18      Q. We'll get into that a little bit later.      19      Okay?      20      MR. GORDON: Objection to the sidebar.      21      MS. LEWIS:      22      Q. Augustine is not an independent      23      investigator, is he?      24      A. He's an investigator by -- from what you're      25      saying is that he is paid -- he owns HotDog, that's</p>
<p style="text-align: right;">Page 168</p> <p>1           MICHAEL J. STONNINGTON, M.D.      2     my understanding. And so by that, he is not      3     independent from the standpoint of owning the      4     company.      5     Q. No, he's not independent in terms of being      6     objective.      7     MR. GORDON: Objection to form,      8     argumentative.      9     A. You can own a device and be objective. Can      10    you show me a study that proves that all the time,      11    that if you own a company you're not objective? Is      12    Elon Musk not objective when it comes to the      13    development of the electrical vehicles? Is he not      14    objective when it comes to the development of space      15    missions?      16    MS. LEWIS:      17    Q. How about 3M, they're objective, too,      18    aren't they?      19    MR. GORDON: Objection.      20    A. Well, by your definition you can't be      21    objective.      22    MS. LEWIS:      23    Q. By your definition you're saying a company      24    can't be objective, so I'd agree that that means --      25    A. No, no. No, ma'am. Ma'am, you're twisting</p>	<p style="text-align: right;">Page 169</p> <p>1           MICHAEL J. STONNINGTON, M.D.      2     my words.      3     MR. GORDON: Argumentative.      4     THE REPORTER: One at a time, please.      5     THE WITNESS: Sorry.      6     THE REPORTER: The last thing I got      7     was "you're twisting my words".      8     A. Ma'am, I believe you're twisting my words.      9     I'm saying that you can be objective even if you      10    have financial interests and I believe there's      11    numerous examples of that throughout the world.      12    MS. LEWIS:      13    Q. All right. On the next page, the sentence      14    already starts on the second page, but I want to get      15    to the next page. It says -- where it says indeed,      16    do you see on the last sentence on Page 2?      17    A. Yes, ma'am.      18    Q. In other words, they're just kind of saying      19    until data is published we believe it's reasonable      20    and appropriate -- all right. Let me just say this.      21    Until such data are published, talking about no      22    independent investigators have published a study to      23    confirm McGovern, we believe that it is reasonable      24    and appropriate to continue the use of forced-air      25    warming devices in patients.</p>